

REMARKS

Applicant respectfully requests that the foregoing amendments be made prior to examination of the present application.

Claim status

Claims 1-6 and 8-20 are currently amended to comport with accepted U.S. patent practice and to correct grammatical errors. Claims 1, and 10 are further revised, as supported by original claim 7 and at paragraph [0005] of the published application, *inter alia*. Claim 21 is newly added. Support for claim 21 is found in original claim 8. Dependent claim 7 is cancelled without prejudice or disclaimer. No new matter is added. Claims 1-6, 8-9 and 16-20 are pending, with claims 10-15 presently withdrawn.

Elected and newly amended claims

Citing Nelson *et al.* (1976), a publication generally concerned with soymilk production, Examiner Caldwell alleges that the original claims lack a common “special technical features” not known in the art and thus do not satisfy PCT Rules 13.1 and 13.2. Office Action at page 2, lines 12-18. Accordingly, the application stands restricted between Group I, drawn to a protein preparation, and Group II, drawn to a method of producing a protein preparations. In response to the pending restriction requirement, applicant provisionally elects, with traverse, Group I claims 1-9 and 16-20.

In order to claim this subject matter more clearly, applicant presents a revised claim set, which incorporates a salient technical feature of original claims 7 into **a)** independent claim 1 of elected Group I, as well as, into **b)** independent claim 10 of non-elected Group II. Thus revised, the pending independent claims in Groups I and II, respectively, recite a common technical feature not previously disclosed in the art, namely, “at least 60% protein from a plant source” that “comprises lupine seed.”

By the same token, the pending claims meet the requirements under PCT Rules 13.1 and 13.2, obviating the stated grounds for restriction. Accordingly, applicant requests withdrawal of the restriction and examination of Group I and Group II claims together.

CONCLUSION

Applicant believes that the present application is now in condition for allowance. Favorable consideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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The Commissioner is hereby authorized to charge any additional fees, which may be required under 37 CFR §§ 1.16-1.17, and to credit any overpayment to Deposit Account No. 19-0741. Should no proper payment accompany this response, then the Commissioner is authorized to charge the unpaid amount to the same deposit account. If any extension is needed for timely acceptance of submitted papers, then Applicant hereby petitions for such extension under 37 CFR §1.136 and authorizes payment of the relevant fee(s) from the deposit account.